

Acerba Animi

ENCYCLICAL LETTER OF HIS HOLINESS PIUS XI ON THE PRESENT CONDITIONS IN MEXICO

The Encyclical is addressed to the Archbishops, Bishops, and Ordinaries of Mexico. Chapter headings in the following text have been inserted by the editor.

THE sorrow and concern which We feel at the present sad plight of human society at large do in no way lessen Our special solicitude for Our beloved sons of the Mexican nation and for you, Venerable Brethren, who are the more deserving of Our paternal regard because you have been so long harassed by grievous persecutions.

From the beginning of Our pontificate, following the example of Our Venerable Predecessor, We endeavored with all Our might to ward off the application of those constitutional statutes which the Holy See had several times been obliged to condemn as seriously derogatory to the most elementary and inalienable rights of the Church and of the faithful. With this intent, We provided that Our representative should take up his residence in your Republic.

ANTI-RELIGIOUS LAWS' APPLICATION

But whereas other governments in recent times have been eager to renew agreements with the Holy See, that of Mexico frustrated every attempt to arrive at an understanding—on the contrary, it most unexpectedly broke the promises made to Us shortly before in writing, banishing repeatedly Our representatives and showing thereby its animosity against the Church. Thus a most rigorous application was given to Article 130 of the Constitution, against which, on account of its extreme hostility to the Church, as may be seen from Our Encyclical "Iniquis Afflictisque," of November 18, 1926, the Holy See had to protest in the most solemn manner.

Heavy penalties were then enacted against the trans-

gressors of this deplorable article; and as a fresh affront to the Hierarchy of the Church, it was provided that every State of the Confederation should determine the number of priests empowered to exercise the sacred ministry, in public or in private.

HEROISM IN FACE OF PERSECUTION

In view of these unjust and intolerant injunctions, which would have subjected the Church in Mexico to the despotism of the State and of the Government hostile to the Catholic Religion, you determined, Venerable Brethren, to suspend public worship, and at the same time called on the faithful to make efficacious protest against the unjust procedure of the Government. For your apostolic firmness, you were nearly all exiled from the Republic, and from the land of your banishment you had to witness the struggles and martyrdom of your priests and of your flock, while those very few amongst you who, almost by miracle, were able to remain in hiding in their own dioceses succeeded in effectively encouraging the faithful with the splendid example of their own undaunted spirit.

Of these events We took occasion to speak in solemn Allocutions, in public discourses and more at length in the above-mentioned Encyclical "Iniquis Afflictisque," and We were comforted by the world's admiration for the courage displayed by the clergy in administering the Sacraments to the faithful, amid a thousand dangers, and at the risk of their lives, and for the like heroism of many of the faithful, who at the cost of unheard-of sufferings and enormous sacrifices gave valiant assistance to their priests.

HOLY SEE'S EFFORTS TO AID

Meanwhile, We did not forbear to encourage with word and counsel the lawful Christian resistance of the priests and the faithful, exhorting them to placate, by penance and prayer, God's justice, that in His merciful Providence He might shorten the time of trial. At the same time, We invited Our sons throughout the world to unite their prayers to Ours in behalf of their brethren in Mexico; and wonderful were the ardor and whole-heartedness with which they responded to Our appeal.

Nor did we neglect to have recourse, besides, to the human means at Our disposal, in order to give assistance to Our beloved sons. Whilst addressing Our appeal to the Catholic world to give help and generous alms to their persecuted Mexican brethren, We urged the governments with whom We have diplomatic relations to take to heart the abnormal and grievous conditions of so many of the faithful.

CONDITIONS LEADING TO AGREEMENT

In the face of the firm and generous resistance of the oppressed, the Government now began to give indications in various ways that it would not be adverse to coming to an agreement, if only to put an end to a condition of affairs that it could not turn to its own advantage. Whereupon, though taught by painful experiences to put scant trust in such promises, We felt obliged to ask Ourselves whether it was for the good of souls to prolong the suspension of public worship. That suspension had indeed been an effective protest against the arbitrary interference of the Government; nevertheless, its continuation might have seriously prejudiced civil and religious order. Of even greater weight was the consideration that this suspension, according to grave reports We received from various and unimpeachable sources, was productive of serious harm to the faithful. As these were bereft of spiritual helps necessary for Christian life, and not infrequently were obliged to omit their religious duties, they ran the risk of first remaining apart from and then being entirely separated from the priesthood, and in consequence from the very sources of supernatural life. To this must be added the fact that the prolonged absence of almost all the Bishops from their dioceses could not fail to bring about a relaxation of ecclesiastical discipline, especially in times of such great tribulation for the Mexican Church, when clergy and people had particular need of the guidance of those "whom the Holy Ghost has placed to rule the Church of God."

PROMISES OF GOVERNMENT

When, therefore, in 1929, the Supreme Magistrate of Mexico declared that the Government, by applying the Laws

in question, had no intention of destroying the "identity of the Church" or of ignoring the Ecclesiastical Hierarchy, We thought it best, having no other intention but the good of souls, to profit by the occasion, which seemed to offer a possibility of having the rights of the Hierarchy duly recognized. Seeing, therefore, some hope of remedying greater evils, and judging that the principal motives that had induced the Episcopate to suspend public worship no longer existed, We asked Ourselves whether it were not advisable to order its resumption. In this there was no intention, certainly, of accepting the Mexican regulations of worship, nor of withdrawing Our protests against these regulations, much less of ceasing to combat them. It was merely a question of abandoning, in view of the Government's new declarations, one of the methods of resistance before it could bring harm to the faithful, and of having resource instead to others deemed more opportune.

Unfortunately, as all know, Our wishes and desires were not followed by the peace and favorable settlement We had hoped for. On the contrary, Bishops, priests and faithful Catholics continued to be penalized and imprisoned contrary to the spirit in which the *Modus Vivendi* had been established. To Our great distress We saw that not merely were all the Bishops not recalled from exile, but that others were expelled without even the semblance of legality. In several dioceses neither churches, seminaries, Bishops' residences, nor other sacred edifices were restored; notwithstanding explicit promises, priests and laymen who had steadfastly defended the Faith were abandoned to the cruel vengeance of their adversaries.

IMMORAL PRESS CAMPAIGN

Furthermore, as soon as the suspension of public worship had been revoked, increased violence was noticed in the campaign of the press against clergy, Church and God Himself; and it is well known that the Holy See had to condemn one of these publications, which in its sacrilegious immorality and acknowledged purpose of anti-religious and slanderous propaganda had exceeded all bounds.

Add to this that not only is religious instruction forbidden in the primary schools, but not infrequently attempts are made to induce those, whose duty it is to educate the

future generations, to become purveyors of irreligious and immoral teachings, thus obliging the parents to make heavy sacrifices in order to safeguard the innocence of their children. We bless with all Our heart these Christian parents and all the good teachers who help them, and We urge upon you, Venerable Brethren; upon the clergy, secular and regular, and upon all the faithful the necessity of giving utmost attention to the question of education and the formation of the young—especially among the poorer classes, since they are most exposed to atheist, Masonic and Communist propaganda—persuading yourselves that your country will be such as you build it up in the children.

BLOW AT THE CLERGY

An effort has been made to strike the Church in a still more vital spot; viz, in the existence of the clergy and the Catholic Hierarchy, by trying to eliminate it gradually from the Republic. Thus the Mexican Constitution, as we have several times deplored, while proclaiming liberty of thought and conscience, prescribes with the most evident contradiction that each State of the Federal Republic must determine the number of priests to whom the exercise of the sacred ministry is allowed, not only in public churches but even within private dwellings. This enormity is further aggravated by the way in which the law is applied.

In fact, the Constitution lays down that the number of priests must be determined, but ordains that this determination must correspond to the religious needs of the faithful and of the locality. It does not prescribe that the Ecclesiastical Hierarchy is to be ignored in this matter, and this point was explicitly recognized in the declarations of the *Modus Vivendi*. Now in the State of Michoacan one priest was assigned for every 33,000 of the faithful, in the State of Chiapas one for every 60,000 while in the State of Vera Cruz only one priest was to exercise the sacred ministry for every 100,000 of the inhabitants. Everyone can see whether it is possible with such restrictions to administer the Sacraments to so many people scattered for the most part over a vast territory.

Indeed the persecutors, as though sorry for having been too liberal and indulgent, have imposed further limitations.

Some Governors closed seminaries, confiscated canonries, and determined the sacred buildings and the territory to which the ministry of the approved priests would be restricted.

EFFORT TO EXCLUDE HIERARCHY

The clearest manifestation of the will to destroy the Catholic Church itself is, however, the explicit declaration published in some States that the civil authority, in granting the license for priestly ministry, recognizes no Hierarchy, on the contrary positively excludes from the possibility of exercising the sacred ministry all of hierarchic rank, viz, all Bishops and even those who have held the office of Apostolic Delegate.

We wished briefly to rehearse the salient points in the grievous condition of the Church in Mexico, so that all lovers of order and peace among nations, on seeing that such an unheard-of persecution differs but little, especially in certain States, from the one raging within the unhappy borders of Russia, may from this iniquitous similarity of purpose conceive fresh ardor to stem the torrent that is subverting all social order.

At the same time, it is Our intention to give a new proof to you, Venerable Brethren, and to all Our beloved sons of Mexico, of the paternal solicitude with which We follow you in your tribulation: the same solicitude that inspired the instructions which We gave you last January through Our beloved sons, the Cardinal Secretary of State, and which were communicated to you by Our Apostolic Delegate. In matters strictly connected with religion, it is undoubtedly Our duty and Our right to establish the reasons and norms that all who glory in the name of Catholics are under the obligation of obeying.

WARNING AGAINST MISUNDERSTANDING

In this connection We are anxious to recall to mind that when We issued these instructions, We gave due consideration to all the reports and advices that came to Us either from the Hierarchy or the faithful. We say all—even those that appeared to counsel a return to a severer line of conduct, with the total suspension of public worship throughout the Republic, as in 1926.

Concerning, therefore, the conduct to follow, since the number of priests is not equally limited in every State, nor the rights of the Ecclesiastical Hierarchy everywhere equally disregarded, it is evident according to the different applications of the unhappy decrees, different likewise must be the conduct of the Church and the Catholics. Here it seems just to pay a special tribute of praise to those Mexican Bishops who, according to advices received, have wisely interpreted the instructions We have inculcated time and again. To this We wish to call attention; for if some, urged rather by zeal for the defense of their own Faith than by prudence so necessary in delicate situations, may from diverse conduct in diverse circumstances have concluded to contradictory judgments on the part of the Bishops, let them now be certain that such an accusation is utterly unfounded.

PROTEST MUST CONTINUE

Nevertheless, since any restriction whatever of the number of priests is a grave violation of Divine rights, it will be necessary for the Bishops, the clergy and the Catholic laity to continue to protest with all their energy against such violation, using every legitimate means. For even if these protests have no effect on those that govern the country, they will be effective in persuading the faithful, especially the uneducated, that by such action the State attacks the liberty of the Church, which liberty the Church can never renounce, no matter what may be the violence of the persecutors.

And therefore, just as We have read with satisfaction the protests recently made by the Bishops and priests of the dioceses that are victims of the deplorable measures of the Government, so We join Our protests to yours before the whole world, and in a special manner before the rulers of the nations, to make them realize that the persecution of Mexican, besides being an outrage against God, against His Church, and against the conscience of a Catholic people, is also an incentive to the subversion of the social order, which is the aim of those organizations that profess to deny God.

Meanwhile, in order to remedy to some extent the calamitous conditions that afflict the Church in Mexico, We

must avail Ourselves of those means which We still have in hand, so that by the maintenance of Divine worship as far as possible in every place, the light of faith and the sacred fire of charity may not be extinguished among those unhappy populations. Certainly the laws are iniquitous; they are impious, as we have already said, and condemned by God for everything that they iniquitously and impiously derogate from the rights of God and of the Church in the government of souls.

TO AVOID GREATER EVIL

Nevertheless, it would be a vain and unfounded fear to think that one is cooperating with these iniquitous legislative ordinances which oppress him, were he to ask the government that imposes these things for permission to carry out public worship—and hence to hold that it is one's duty to refrain absolutely from making such a request. Such an erroneous opinion and conduct might lead to a total suspension of public worship, and would without doubt inflict grievous harm on the entire flock of the faithful.

It is well to observe that to approve such an iniquitous law, or spontaneously to give to it true and proper cooperation, is undoubtedly illicit and sacrilegious. But absolutely different is the case of him who yields to such unjust regulations solely against his will and under protest, and who on the other hand does everything he can to lessen the disastrous effects of the pernicious law. In fact, the priest finds himself compelled to ask for that permission, without which it would be impossible for him to exercise his sacred ministry for the good of souls; it is an imposition to which he is forced to submit in order to avoid a greater evil. His behavior consequently is not much different from that of one who, having been robbed of his belongings, is obliged to ask his unjust despoiler for at least the use of them.

PROTESTS SHOW APPROVAL WITHHELD

In truth, the danger of moral cooperation, or of any approval whatever of the present law, is removed, as far as is necessary, by the protests energetically expressed by

this Apostolic See, by the whole Episcopate, and by the people of Mexico. To these are added the precautions of the priest himself, who although already appointed to the sacred ministry by his own Bishop, is obliged to ask the Government for the possibility of holding Divine service, and far from approving the law that unjustly imposes such a request, submits to it materially, as the saying is, and only in order to remove an obstacle to the exercise of the sacred ministry; an obstacle that would lead, as we have said, to a total cessation of worship, and hence to exceedingly great harm to innumerable souls. In much the same manner the faithful and the sacred ministers of the early Church, as history relates, sought permission, by means of gifts even, to visit and comfort the martyrs detained in prison and to administer the Sacraments to them; yet surely no one could have thought that by so doing they in some way approved or justified the conduct of the persecutors.

Such is the certain and safe doctrine of the Church. If, however, the putting of it into practice should cause scandal to some of the faithful, it will be your duty, Venerable Brethren, to enlighten them carefully and exactly. If after you have performed this office of explanation and persuasion, according to these Our directions, anyone should cling stubbornly to his own false opinion, let him know that he can hardly escape the reproach of disobedience and obstinacy.

UNITY, CATHOLIC ACTION, ENJOINED

Let all then continue in that unity of purpose and obedience that We have praised in the clergy on another occasion at length and with lively satisfaction. And putting aside all uncertainties and fears, easily understood in the first moments of the persecution, let the priests with their proved spirit of abnegation render ever more intense their sacred ministry, particularly among the young and the common people, striving to carry on a work of persuasion and of charity especially among the enemies of the Church, who combat Her because they do not know Her.

And here We recommend anew a point that We have

greatly at heart, viz, the necessity of instituting and furthering to an ever greater extent Catholic Action, according to the directions communicated at Our command by Our Apostolic Delegate. This is undoubtedly a difficult undertaking in its first stages, and especially in the present circumstances, an undertaking slow at times in producing the desired effects, but necessary and much more efficacious than any other means, as is abundantly proved by the experience of every nation that has been tried in the crucible of religious persecution.

LOYALTY TO HIERARCHY COUNSELED

To Our beloved Mexican sons We recommend with all Our heart the closest union with the Church and the Hierarchy, manifesting it by their docility to Her teachings and directions. Let them not neglect to have recourse to the Sacraments, sources of grace and strength; let them instruct themselves in the truths of religion; let them implore mercy from God on their unhappy nation, and let them make it both a duty and a honor to coöperate with the apostolate of the priesthood in the ranks of Catholic Action.

We wish to pay a special tribute of praise to those members of the clergy, secular and regular, and of the Catholic laity, who, moved by burning zeal for religion and maintaining themselves in close obedience to this Apostolic See, have written glorious pages in the recent history of the Church in Mexico. At the same time We exhort them earnestly in the Lord to continue to defend the sacred rights of the Church with that generous abnegation of which they have given such a splendid example, always following the norms laid down by this Apostolic See.

BESTOW APOSTOLIC BLESSING

We cannot conclude without turning in a very special manner to you, Venerable Brethren, who are the faithful interpreters of Our thoughts. We wish to tell you that We feel all the more closely united to you, in proportion to the hardships you are meeting with in your apostolic ministry. We are certain that, being so close to the heart of the Vicar of Christ, you will draw comfort and strength from this knowledge to persevere in the holy and arduous enterprise of leading to salvation the flock entrusted to you.

And that the Grace of God may ever assist you and His mercy support you, with all paternal affection We impart to you and to Our beloved sons so sorely tried, the Apostolic Benediction.

Given at Rome, at Saint Peter's on the Feast of the Dedication of Saint Michael, the Archangel, the twenty-ninth day of September, in the year 1932, the eleventh of Our Pontificate.

PIUS XI.

There Is Persecution in Mexico

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THE Pope has once again called the attention of the civilized world to the attempt of a military clique in Mexico to wring the faith out of the hearts of a profoundly Catholic people. Mexico had been apparently forgotten in the midst of the stirring events that fixed the attention of all men on their own miseries since 1929 and on the tottering Governments in the New World and the Old. Most people had imagined that that other sad old story had had its finale in 1929 after the unofficial intervention of our Government in the person of Dwight W. Morrow. The Mexican Government gave its word of honor that it would interfere no more in the domestic affairs of the Church and would not hinder the free exercise of religion, if the Church on its part refrained from political activity.

The Mexican Government broke its word. The Church on its part took the most heroic measures, at the risk of alienating its most fervent and zealous laymen and laywomen, to keep its members from engaging in political and armed reprisals. The Catholic Church in Mexico kept its word.

And now the Pope finds it necessary to take the almost unprecedented step of addressing an Encyclical to the Archbishops and Bishops of Mexico on the subject of a bitter persecution to which they have been subjected because they kept their word and protected from rebellion the very Government which persecutes them. In this document, which is called from its first Latin words "Acerba Animi," the Pope

1. Outlines for the world at large the history and nature of this persecution;

2. Settles for Mexican Catholics a semi-doctrinal dispute which had arisen between the Church authorities and those who chafed under their apparent mildness; and

3. Strictly enjoins a policy of physical non-resistance to evil and of union with the Church in legitimate protest against unconstitutional "laws."

The reply of the Mexican Government, on the strength of insufficient information on points 2 and 3, was to deport the Mexican-born Apostolic Delegate, Archbishop Ruiz y Flores, as a "pernicious foreigner," a civil subject of the Pope. It is forbidden by the Constitution to exile Mexican citizens, and of course the post of Apostolic Delegate does not render its incumbent a citizen of Vatican City.

It is not necessary to go back beyond 1926 to seek the causes of the present trouble. In that year a list of legislative decrees was imposed by President Calles which were interpreted by the Bishops as being, and were in fact, a grave attempt to separate the Mexican Church from the center of unity in Rome. To submit to these decrees was for the Bishops to acquiesce in a practical schism and rather than do this, as they would by continuing to hold church services, those services were suspended. This suspension the Pope now calls "an effective protest against the arbitrary interference of the Government." But its very length had its dangers. "As these [the Faithful] were bereft of spiritual helps necessary for Christian life and not infrequently were obliged to omit their religious duties, they ran the risk of first remaining apart from and then being entirely separated from their priesthood, and in consequence from the very sources of supernatural life," the Sacraments.

The struggle ended as everyone knows. A compromise was effected by which the Government disavowed any intention to control by its laws the inner life of the Church, and the Church did not insist on the return of its property that had been stolen. Thus Mr. Morrow's policy of "peace without victory" had won out. As he expressed it personally to me, the State was deprived of any pretext for further persecution, and the Church made it clear that it had no pretensions in the political field.

But everything depended on the Government's keeping its word.

Without any further pretext for persecution, persecution continued. "Bishops, priests, and faithful Catholics continued to be penalized and imprisoned, contrary to the spirit in which the *modus vivendi* had been established." Property was still confiscated. "Notwithstanding explicit promises, priests and laymen who had steadfastly defended the Faith were abandoned to the cruel vengeance of their adversaries." Immediately after the agreement, "increased violence was noticed in the campaign of the press against clergy, Church, and God Himself." Religious primary education was forbidden, and impure and blasphemous teachings were perpetrated in the public schools.

But these were only the "trimmings." A systematic campaign was undertaken to eliminate religion gradually by restricting the priests who could administer to the Faithful in each State to a number that was obviously adequate for only a small number of people. This was defended on the hypocritical pretext that the Federal Government was keeping its word but that the States, of course, were free by the Constitution to do what they pleased; the Church had stipulated nothing about them. To anyone who knows how "free" the States are in Mexico this was a tragic joke. But all hypocrisy was thrown aside when the same restrictions were imposed in the Federal District.

Thus now, according to the N. C. W. C. News Service, thirteen States and the Federal District, including Mexico City and Lower California, with a population of 8,093,667 and an area of 408,067 square miles, are allowed just 314 priests. In Tabasco, with 224,168 persons and 100,000 square miles, "a single Catholic priest leads a hunted life attempting to perform his apostolic duties." In the State of Vera Cruz, thirteen priests are allowed for 1,300,000 people, one for every 100,000. Thus it goes. If one priest anywhere can satisfy the religious needs of 5,000 people, he is performing miracles of heroism and self-denial. Thus by the new laws, from eighty-seven to ninety-five per cent of the people are deprived of all religious ministrations whatever by the mere physical impossibility of one priest getting around to them.

But "the clearest manifestations of the will to destroy

the Catholic Church," continues the Pope, is the prohibition in some States of any Bishops; their ordinary acts of jurisdiction are outlawed. Only those who are well acquainted with the inner workings of the Church could have devised such measures, just as only true believers in God can really blaspheme.

In view of all this, is it any wonder that many Mexicans had come to believe that it was wrong to cooperate with such a State, even to the extent of asking it for permission for the few priests who are allowed for a small number of the Faithful? This question has been agitated for some time among Mexicans, and brought about an acute difference of opinion.

The Pope replies by remarking that he has heard "all" sides of this question, even that of "those who appeared to counsel a return to a severer line of conduct, with the total suspension of public worship throughout the Republic, as in 1926." He refuses to impose one absolute rule for all the States, for conditions are different in different States, and he praises those Bishops who have "wisely interpreted" his previous instructions. But he does settle once for all the burning question of "cooperation" by deciding that asking the permission is "material," not "formal," cooperation, by which the evil of clergy restriction is permitted, not willed, on the proviso only that while asking for the licenses, the Church continue its protests by legitimate means in order to show the ignorant Faithful that it does not acquiesce in them.

Thus the Pope makes it clear that, whatever happens, nobody will ever be able to implicate the Church in political movements. He advocates, of course, unity of Catholics in their organization. Catholic Action, which is a very different thing from civic or political action. And he ends with words of touching admiration for the courage of his children, particularly the priests, who are fighting a lonely battle with very little encouragement from any except from him.

The official answers to this Encyclical made by Mexican officials, even before the full text was known to them, betrayed the knowledge of their own weakness in the dispute. Luis Leon, the leader of the Calles party in the Chamber, characterizes it as "basically vulgar," words which to anybody who knows that gentleman are comical. He also

finds that it is "far from the humility which Christ preached." General Rodriguez, who is the current Calles favorite and Provisional President, also found the Encyclical "vulgar," and in the face of the decisions of the Encyclical which go against those who would make war on him, his warlike threats to suppress the Church are decidedly ungrateful. Whatever he may do, he and his friends have the consciousness that this time they will have a united world opinion against them. The last time they had at least the pretended excuse that they were bent on destroying only the political influence of the Church, not its spiritual activities. This excuse was what won over the Protestant and liberal forces of this country to their side. They have no longer that excuse. The political phantom vanished in 1926-1929; religion itself is their game now, as it always was.

In this regard, one expression of General Rodriguez is significant. He taunts the Pope with being "unable to resign himself to the loss of his dominion over souls. . . ." He also speaks of the property that was stolen from the Church; but that was a mistake. Somebody might ask him to render an accounting of it.

Luis Leon says that the Pope is trying to cover up the "complicity" of the Church in the murder of Obregon. Mother Concepcion is suffering life imprisonment for her alleged part in that murder, and Leon Toral was executed. Now a priest named Jimenez has also been arrested for it. This priest was a bitter enemy of Archbishops Diaz and Ruiz and had been suspended by his own Archbishop of Oaxaca. When he was arrested, he carried pamphlets attacking the Bishops, and had on his person in his own writing the following note: "We Catholics demand that their Excellencies Leopoldo Ruiz y Flores and Pascual Diaz be removed from this country." He denies all guilty foreknowledge of the murder.

As a matter of fact, the afternoon he was slain, Obregon had an appointment for later in the day with Ambassador Morrow, who had summoned him from Sonora *to discuss the solution of the religious question* in view of his soon succeeding Calles in the Presidency. Aaron Saenz, his friend and campaign manager, will bear me out in this, for he made the appointment. Obregon was publicly

known at the time to be favorable to a settlement. His death was a blow to the Church. Hence, if the Mexican Government really wants to find out who killed him, let it look for the man or men who knew why Obregon was in Mexico City and who also were opposed to a religious settlement.

Now this Encyclical has very little of practical interest for the Catholics of the United States. There is apparently very little they can do about it, except to join with the Holy Father in his prayers for unhappy Mexico. But for the Protestants and liberals who joined hands in an alliance in 1926-27 to take action that succeeded effectually in preserving the revolutionary regime in Mexico, it is a different story. They won that victory, and those of us who saw the real trend of things lost out. But in that victory did not the victors by that very fact acquire a certain responsibility? They were won over to the side of Calles on his representations that he was fighting for liberalism, for the separation of Church and State, for the destruction of Church domination. They were assured that there was no least intention of disturbing that other good liberal doctrine, liberty of worship and of conscience.

This last pretext is now destroyed forever. Grant that the political domination of the Church was ended. (As a matter of fact, if the Church had had such domination, it would never have allowed itself to be broken on the wheel as it was.) That victory, we will say, was won. Are the religious Protestants and the liberty-loving people of this country going to tolerate what is going on now? Now that things have swung the other way, much farther, we will admit, than they ever contemplated, are they going to remain silent? They cannot, if they accept the responsibility for their victory in 1927.

One last word, and that is for our Government. By the negotiations that led up to Obregon's recognition in 1923, and by the help given him by us in the De la Huerta revolution, the Mexican Government's sovereignty was permanently impaired by the United States, as was shown by a writer in the *Atlantic Monthly* for July, 1927. The Pope tells us the bit of history that he has appealed for Mexico through his representatives to the Governments of the world. These could have told him, and probably did, that it was

useless, unless the American Government said the word. Everybody knows that it is the American Ambassador's office in Mexico City which is the portal to action in Mexico. This is even truer since before Dwight Morrow's time. In the name of humanity, will our Government say the word?

THREE DOCUMENTS

The following pages include:

- (1) A transcript of Article 130 of the Mexican Constitution.
- (2) A summary of the terms of the settlement in 1929.

I

Article 130 of the Constitution reads as follows:

ARTICLE 130: The Federal authorities have exclusive power to exercise in matters of religious worship and outward ecclesiastical forms, such intervention as by law authorized. The law recognizes no corporate existence in the religious associations known as churches.

Ministers of religious creeds shall be considered as persons exercising a profession and shall be directly subject to the laws enacted on the subject.

The State Legislatures shall have the exclusive power of determining the maximum number of ministers of religious creeds according to the needs of each locality.

Only a Mexican by birth may be a minister of any religious creed in Mexico.

No ministers of religious creeds shall either in public or private meetings, or in acts of worship or religious propaganda, criticize the fundamental laws of the country, the authorities in particular or the Government in general; they shall have no vote, nor be eligible to office, nor shall they be entitled to assemble for political purposes.

Before dedicating new temples of worship for public use, permission shall be obtained from the Department of the Interior; the opin-

ion of the Governor of the respective State shall be previously heard on the subject. Every place of worship shall have a person charged with its care and maintenance, who shall be legally responsible for the faithful observances within the said place of worship, and for all the objects used for purposes of worship.

The caretaker of each place of public worship, together with ten citizens of the place, shall promptly advise the municipal authorities as to the person charged with the care of the said place of worship.

The outgoing minister shall in every instance give notice of any change, for which purpose he shall be accompanied by the incoming minister and ten other citizens of the place. The municipal authorities under penalty of dismissal and fine, not exceeding 1,000 pesos for each breach, shall be responsible for the exact performance of this provision; they shall keep a register of the places of worship and another of the caretakers thereof, subject to the same penalty as above provided. The municipal authorities shall likewise give notice to the Department of the Interior through the intermediary of the State Governor of any permission to open to the public use a new place of worship, as well as of any change in the caretakers.

Gifts of personalty may be received in the interior of places of public worship.

Under no conditions shall studies carried on in institutions devoted to the professional training of ministers of religious creeds be ratified or be granted any other dispensations of privilege which shall have for its purpose the ratification of the said studies in official institutions. Any authority violating this provision shall be punished criminally and all such dispensations of privilege be null and void, and shall invalidate wholly and entirely the professional degree toward the obtaining of which the infraction of this provision may in any way have contributed.

No periodical publication which either by reason of its program, its title or merely by its general tendencies, is of a religious character, shall comment upon any political affairs of the Nation, nor publish any information regarding the acts of the authorities of the country or of private individuals insofar as the latter have to do with public affairs.

Every kind of political association whose name shall bear any word or any indication relating to any religious belief is hereby strictly forbidden. No assemblies of any political character shall be held within places of public worship.

No minister of any religious creed may inherit either in his own behalf or by means of a trustee or otherwise, any real property occupied by any association of religious propaganda or religious or charitable purposes. Ministers of religious creeds are incapable legally of inheriting by will from ministers of the same religious sect or from any private individual to whom they are not related by blood within the fourth degree.

All real and personal property pertaining to the clergy or to religious institutions shall be governed, insofar as their acquisition by private parties is concerned, in conformity with Article 27 of this Constitution.

No trial by jury shall ever be granted for the infraction of any of the preceding provisions.

II

TERMS OF THE 1929 SETTLEMENT; TWO DOCUMENTS

On June 22, 1929, the long-awaited assent of the Holy See to Portes Gil's conditions was received by Archbishop Ruiz, and two simultaneous documents were issued by the two parties. The Government's statement reads:

I have had conversations with Archbishop Ruiz y Flores and Bishop Pascual Diaz. These conversations took place as the result of public statements made by Archbishop Ruiz on May 2 and a statement made by me on May 8.

Archbishop Ruiz and Bishop Diaz informed me that the Mexican Bishops have felt that the Constitution and laws, particularly the provision which requires registration of ministers and the provision which grants separate States the right to determine the maximum number of ministers, threaten the identity of the Church, giving the State the control of its spiritual offices.

They assure me that the Mexican Bishops are animated by sincere patriotism and that they desire to resume public worship if this can be done consistently with their loyalty to the Mexican Republic and their consciences.

They stated that it could be done if the Church could enjoy the freedom within the law to live and to exercise its spiritual offices.

I am glad to take advantage of this opportunity to declare publicly and very clearly that it is not the purpose of the Constitution, nor of the laws, nor of the Government of the Republic to destroy the identity of the Catholic Church or of any other, nor to interfere in any way with its spiritual functions.

In accordance with the oath of office which I took when I assumed the Provisional Government of Mexico to observe and to cause to be observed the Constitution of the Republic and the laws derived therefrom, my purpose has been at all times to fulfill honestly that oath and see that the laws are applied without favor to any sect and without any bias whatever, my administration being disposed to hear from any person, be he dignitary of some church or merely a private individual, any complaints in regard to injustices arising from undue application of the laws.

With reference to certain provisions of the law which have been misunderstood, I also take advantage of this opportunity to declare:

1. That the provision of the law which required the registration of ministers does not mean that the government can register those who have not been named by a hierarchical superior of the religious creed in question or in accordance with its regulations;
2. With regard to religious instruction, the Constitution and laws in force definitely prohibit it in primary or higher schools whether public or private, but this does not prevent ministers of any religion from imparting its doctrines within the church confines to adults and their children, who may attend for that purpose;
3. That the Constitution as well as the laws of the country guarantee to all residents of the Republic the right of petition and

therefore the members of any church may apply to the appropriate authorities for amendment, repeal or passage of any law.

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Archbishop Ruiz's statement was as follows:

Bishop Diaz and I have had several conferences with the President, the results of which are set forth in the statement which he has issued today.

I am glad to say that all conversations have been marked by a spirit of mutual good-will and respect. As a consequence of the statement made by the President, the Mexican clergy will resume religious services pursuant to the laws in force.

I entertain the hope that resumption of religious services may lead the Mexican people, animated by a spirit of mutual good-will, to cooperate in all moral efforts made for the benefit of all people of our fatherland.

LEOPOLDO RUIZ.